IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 12576 of 2007(V)

PETITIONERS:

1. S.MONY, APPAS, ERAMATHOOR P.O., MANNAR, ALLEPPEY.

2. K.SADASIVAN PILLAI, PRESIDENT,
ALIND SWITCHGEAR RETIRED EMPLOYEES ASSOCIATION,
MANI MANDIRAM, CHERUKOLE P.O., MAVELIKKARA.

BY ADV. SRI.T.R.RAVI

RESPONDENTS:

1. APPELLATE AUTHORITY FOR INDUSTRIAL AND
FINANCIAL RECONSTRUCTION, JEEVAN PRAKASH BUILDING,
KASTURIBA GANDHI MARG, NEW DELHI.

2. BOARD OF INDUSTRIAL AND FINANCIAL
RECONSTRUCTION, JAWAHAL VYAPAR BHAVAN, NO.1,
TOLSTOY MARG, NEW DELHI.

3. M/S.ALLUMINIUM INDUSTRIES LTD.,
REP.BY ITS CHAIRMAN & MANAGING DIRECTOR, NO.1,
CERAMIC FACTORY ROAD, KUNDARA- 681 501, KERALA.

4. STATE BANK OF TRAVANCORE, POOJAPURA,
TRIVANDRUM, KERALA REP.BY ITS CHAIRMAN &
MANAGING DIRECTOR.

5. M/S.UNITED SHIPPERS LTD,
UNITED INDIA BUILDINGS, 2ND FLOOR, SIR PM ROAD,
FORT MUMBAI 400 001, REP.BY ITS MANAGING DIRECTOR.

6. M/S.ALIND EMPLOYEES UNION REVIVAL
COMMITTEE, M/S.ALLUMINIUM INDUSTRIES LTD.,
REP.BY ITS SECRETARY, NO.1, CERAMIC FACTORY ROAD,
KUNDARA - 681 501, KERALA.

7. M/S.ALIND WORKS UNION,
REP.BY ITS SECRETARY, NO.1, CERAMIC FACTORY ROAD,
KUNDARA- 681 501, KERALA.

BY ADV. SRI.SATHISH NINAN
SRI.JOSEPH KODIANTHARA
SRI.MATHEWS K.UTHUPPACHAN
SRI.M.A.SHAFIK
SRI.SHAJI P.CHALY
SRI.K.N.SIVASANKARAN
SRI.SUNIL SHANKER
SRI.ARSHAD HIDAYATHULLAH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12576 of 2007(V)

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the relevant portions of order dated 20.10.87 passed by the BIFR.

Ext.P2: True copy of the relevant portions of the sanctioned scheme dated 5.10.1989.

Ext.P3: True copy of the order passed by the BIFR on 29.3.94.

Ext.P4: True copy of the relevant portions of the minutes of the meeting held on 19.12.1994.

Ext.P5: A copy of the summary record of the proceedings of the hearing held on 27.6.2002.

Ext.P6: A copy of the order dated 18.11.2003 issued by the BIFR

Ext.P7: A copy of the said order dated 28-1-2005 passed by the BIFR.

Ext.P8: A copy of the said order passed by the BIFR on 26-7-2005.

Ext.P9: A copy of the sanctioned scheme pertaining to Relays division.

Ext.P10: A copy of the said order passed by the AIFR on 6.2.2007.

Ext.P11: True copy of the relevant page of the annual report for the year 2005 of the company.

Ext.P12: True copy of the relevant page of the annual report for the year 2006 of the company.

Ext.P13: True copy of the relevant page of the annual report for the year 2006 of the company.

Ext.P14: True copy of the relevant page of the annual report for the year 2004 of the company.

Ext.P15: True copy of the relevant page of the annual report for the year 2005 of the company.

Ext.P16: True copy of the relevant page of the annual report for the year 2006 of the company.

// True copy //

P.A. to Judge

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A.K.BASHEER, J.

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W.P.(C)No.12576 OF 2007

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Dated this the 14th day of December 2007

JUDGMENT

Heard Sri.T.R.Ravi, learned counsel for the petitioners and Sri.Joseph Kodianthara learned counsel for respondent no.3.

2. Though petitioners have prayed for issue of a writ of certiorari to quash Ext.P10 order passed by the Appellate Authority for Industrial and Financial Reconstruction, New Delhi, respondent no.1 herein, the primary grievance of the petitioners is that the retiral benefits payable to the employees of M/S Alind Switch Gear, a unit under respondent No.3, have not been paid to them so far.

3. Learned counsel for respondent no.3 submits that the dues payable not only to the petitioners but also to all retired employees in the above unit will be disbursed as envisaged under the scheme and in terms of the statutory provisions governing the field. The above submission is recorded.

4. Sri.T.R.Ravi, learned counsel for the petitioners submits that in view of the undertaking given by learned counsel for respondent no.3 the first and second prayers in the writ petition are not being pursued any further.

Therefore, the writ petition is closed.

(A.K.BASHEER, JUDGE)

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